

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

OA No. 598/10

Rect Dhain Singh

.....Petitioner

Versus

Union of India and Ors.

.....Respondents

For petitioner: Sh. K Ramesh, Advocate

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER
23.11.2010**

1. The Petitioner by this petition has prayed for directions to quash and set aside the Govt. of India order dated 17.12.1999, in which he was medically invalided out of service on 28.04.1996 for an ailment of Hysterical Neurosis without grant of disability pension.
2. The applicant was enrolled in the Sikh Regiment on 01.11.1994. While he was undergoing training for a period of two years, he fell sick due to stress and strain of service as has been endorsed in AFMSF-16. Therefore this ailment is attributable to military service. When he was enrolled he had no history of any disease or ailment. In spite of the above facts no disability pension was sanctioned. Hence, the petitioner has challenged the order dated 17.12.1999.

3. The Medical Board had certified that Hysterical Neurosis is not attributable to nor aggravate by military service.

4. Though the petition is extremely belated, be that as it may, the fact remains that the position of recruit is almost like a probationer and if during the probation the incumbent is not able to meet the service standards, the probationer can be discharged during the probationary period.

5. The Petitioner was a recruit undergoing training for a period of two years and during the training he suffered from Hysterical Neurosis. Therefore, his services were discharged. The Medical Board also found that the Hysterical Neurosis is not attributable to nor aggravated by military service. Therefore, petitioner is not entitled to any disability pension. Accordingly the petition is disposed off. No order as to cost.

✓ **A.K. MATHUR**
(Chairperson)

M.L. NAIDU ✓
(Member)

New Delhi
November 23, 2010